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ELWOOD C.KORBAN and EDITH  
KORBAN, his wife,

Plaintiffs

v.

CABOT OIL & GAS  
CORPORATION,

Defendant.

IN THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE  
DISTRICT OF PENNSYLVANIA

CIVIL ACTION – LAW  
JURY TRIAL DEMANDED

NO. 3:08-cv-

FILED VIA ECF

**NOTICE OF REMOVAL**

Defendant, Cabot Oil & Gas Corporation (hereinafter “Cabot”), by and through its undersigned counsel, hereby petitions for the removal of the action described hereinafter to the United States District Court for the

Middle District of Pennsylvania pursuant to 28 U.S.C. § 1441, and in support thereof states as follows:

1. Plaintiffs Elwood C. Korban and Edith Korban, his wife, filed a Complaint, Docketed at 2008-610, in the Court of Common Pleas of Susquehanna County on April 30, 2008. Cabot first received a copy of the Complaint on May 3, 2008. A copy of the Complaint is attached hereto as Exhibit A.

2. Susquehanna County is located in the Middle District of Pennsylvania; therefore, removal to the United States District Court for the Middle District of Pennsylvania is appropriate.

3. Both currently and at the time the Complaint was filed, Plaintiffs were citizens of the Commonwealth of Pennsylvania in that their permanent residence is located in Pennsylvania.

4. Both currently and at the time the Complaint was filed, Defendant Cabot Oil & Gas Corporation, was a citizen of the State of Texas and the state of Delaware, in that it was incorporated under the laws of the State of Delaware and its principal place of business is located in the state of Texas.

5. Plaintiffs' Complaint alleges causes of action for fraudulent inducement and declaratory judgment.

6. The amount in controversy in this action exceeds the federal jurisdictional limit of \$75,000, exclusive of interests and costs. See Affidavit of Jeffrey L. Keim, Regional Land Manager of Defendant, attached hereto as Exhibit B.

7. The United States District Court for the Middle District of Pennsylvania has diversity jurisdiction over the removed action pursuant to 28 U.S.C. Section 1332 there is complete diversity between Plaintiffs and Defendant<sup>1</sup> and the amount in controversy exceeds \$75,000. Therefore, the Complaint could have been filed in the United States District Court for the Middle District of Pennsylvania.

**WHEREFORE**, Defendant, Cabot Oil & Gas Corporation, requests that the above action now pending in the Court of Common Pleas of Susquehanna County be removed therefrom to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

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<sup>1</sup> Defendant notes that Plaintiffs claim that the Defendant's principal place of business is located in West Virginia. This is not accurate as Defendant's principal place of business is in Texas; however, even if Plaintiffs' claim was true, there would still be complete diversity among the parties.

WRIGHT & REIHNER, P.C.

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Attorneys for Defendant,  
Cabot Oil & Gas Corporation

Dated: May 23, 2008

### **CERTIFICATE OF SERVICE**

I hereby certify that I forwarded a true and correct copy of Defendant's Notice of Removal by First Class United States Mail, postage prepaid, this date shown below:

Michael J. Giangrieco, Esq.  
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PO Box 126  
Montrose, PA 18801-0126

/s / Joseph T. Wright, Jr.

Dated: May 23, 2008